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**EMBASSY OF THE REPUBLIC OF MAURITIUS & PERMANENT MISSION TO THE UNITED NATIONS
AND OTHER INTERNATIONAL ORGANISATIONS**

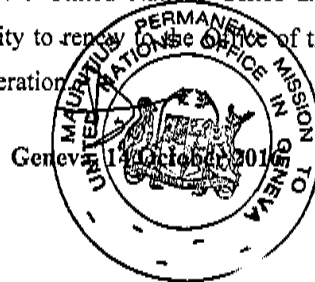
**AMBASSADE DE LA REPUBLIQUE DE MAURICE ET MISSION PERMANENTE AUPRES DES NATIONS UNIES
ET DES AUTRES ORGANISATIONS INTERNATIONALES**

No. 314/2016 (MMG/HR/28/1)

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and with reference to its letter dated 28 July 2016 with regards to the thematic report on biodiversity and human rights, has the honour to transmit herewith the inputs of the competent authorities of the Government of the Republic of Mauritius.

The Permanent Mission would appreciate to receive an acknowledgement of this Note and the attached inputs.

The Permanent Mission of the Republic of Mauritius to the United Nations Office and other International Organisations in Geneva avails itself of this opportunity to reiterate to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



**Office of the High Commissioner for Human Rights
Palais des Nations
1211 Geneva**

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QUESTIONNAIRE - BIODIVERSITY AND HUMAN RIGHTS

1. Please provide, in detail, examples of biodiversity-related legislation, policies and programmes that incorporate human rights obligations.

- In Mauritius different authorities are responsible for the management and conservation of the terrestrial and marine biodiversity.
- The National Parks and Conservation Service (NPCS) under the Ministry of Agro Industry and Food Security is responsible for the management of the native terrestrial biodiversity and the ecosystem of Mauritius. The mission of the NPCS is to ensure a sustainable management and restoration of native terrestrial Mauritian fauna and flora so as to retain its genetic diversity for the future generations through in-situ and ex-situ conservation strategies, ecosystem restoration, public awareness, promotion of ecotourism and implementation of international biodiversity agreements. The Forestry Service falling under the purview of the same Ministry is responsible for the management of our forest resources for, with, and on behalf of the people of Mauritius.
- As main biodiversity related legislation for terrestrial biodiversity, we have the Forests and Reserves Act 1983 and the Wildlife and National Parks Act 1993 which fall under the aegis of the Ministry of Agro Industry and Food Security.
- For protection of marine biodiversity, the main stakeholder is the Ministry of Ocean Economy, Marine Resources, Fisheries and Outer Islands (Fisheries Division) and is responsible for the implementation of the Fisheries and Marine Resources Act 2007 and its regulations.
- With regards to environment protection, the main national legal framework for the protection of environment is the Environment Protection Act 2002 (EPA). The EPA has been enacted to provide for the protection and management of the environmental assets of Mauritius so that their capacity to sustain the society and its development remains unimpaired and to foster harmony between quality of life, environmental protection and sustainable development for the present and future generations; more specifically to provide for the legal framework and the mechanism to protect the natural environment, to plan for environmental management and to coordinate the inter-relations of environmental issues, and to ensure the proper implementation of governmental policies and enforcement provisions necessary for the protection of human health and the environment of Mauritius.
- The Ministry of Environment has also prescribed a number of environmental standards under the EPA which regulate pollutants discharged into the lagoon, water bodies and land.

2. Please provide specific examples of good practices in the implementation of human rights obligations in biodiversity-related matters. For instance, such examples may include practices related to: guaranteeing procedural rights (e.g., rights to information, participation and remedy); monitoring human rights affected by biodiversity-related legislation, programmes and projects (e.g., rights to life, food, housing, health, water and sanitation, cultural rights, etc.); protecting the human rights of individuals and groups from adverse impacts related to biodiversity; promoting the enjoyment of human rights (e.g., rights to life, food, housing, health, water and sanitation, cultural rights, etc.); guiding business activities in accordance with the UN Guiding Principles on Business and Human Rights; and seeking remedies for victims.

(a) Proclamation of Environmental legislation

- Prior to proclamation, new environmental legislations are published in Government Gazette and newspapers whereby the Public is invited to submit their comments.

(b) Environmental Impact Assessment

- Major developments in Mauritius are subject to the Environmental Impact Assessment (EIA) process to evaluate the potential environmental, social and economic impacts of a proposed development. Mitigation measures are proposed to minimise the environmental impacts.
- When an EIA application is made by a proponent, the Ministry of Environment together with other stakeholders evaluate the site for any environmentally sensitive area and other features. The Environmental Impact Assessment (EIA) is a form of procedural protection under the EPA which is linked to the rights to information and public information. Prior to commencing a project, promoters shall apply for an EIA licence by submitting an EIA report to the Ministry of Environment as described in the EPA. The EIA report is opened for public inspections at several places, mainly the office of Ministry of Environment and the office of District Council. The public is informed through a notice issued by the Ministry of Environment in the Government Gazette and newspapers as per EPA. A time limit of 21 days is given to the public to submit their comments on the EIA report. The EIA report is also available for consultation on the website of the Ministry of Environment.

(c) Right to clean and healthy environment

- Complaints in connection with environmental pollution are handled by a dedicated Division within the Department of Environment and remedial actions are taken.

(d) Prosecution

- Environmental offences under EPA are referred to the Environmental Law/Prosecution Division of the Department of Environment for enquiry. Criminal proceedings are initiated following the advice of the Director of Public Prosecution.

(e) Establishment of Police de l'Environnement

- The Police de l'Environnement is a unit of the Mauritius Police Force, established in 2000 to provide assistance to the Director of Environment and other Enforcing Agencies to enforce environmental laws. The Police de l'Environnement attends to environmental complaints with regard to breach of environmental laws and takes appropriate enforcement actions, as well as contraventions.

(f) Protection of human rights to access to safe water and air

- With a view to ensure access to clean air and safe drinking water, Mauritius proclaimed standards on air quality and drinking water.

(g) Remedy to victims: Compensation to Fishermen and victims of disaster

- The Ministry of Social Security, National Solidarity and Reform Institutions provides social aid to victims of disasters namely flood, cyclone and fire.
- Fishermen get monetary compensation in case coastal projects cause prejudice to them. Fishermen also receive bad weather allowance to compensate for inability to go fishing and earn their living.

3. Please specify, where relevant, challenges your Government has experienced in the integration and protection of human rights in biodiversity-related matters.

- Tourism and land based activities put pressure on the coastal zone
- Mauritius also face coral bleaching and the coral coverage has significantly decreased in our lagoons
- Backfilling of wetlands due to development

4. How are the rights of those who may be particularly vulnerable to the loss of biodiversity, including but not limited to indigenous peoples, provided with heightened protection?

- Part of the population depends on fisheries for livelihood. Overfishing and destructive fishing methods along with eutrophication caused by high nutrient run-off from agricultural areas are among the major threats to inland and marine fisheries. The Ministry of Environment together with the Ministry of Ocean Economy, Marine Resources, Fisheries and Outer Islands have come up with policy incentive measures to facilitate vulnerable communities such as the Fisher's Communities to move from over exploited lagoon to high seas. In order to prevent depletion of marine resources which affect the catch of fishermen, the Government implements closed seasons.

5. How do you ensure that the rights of environmentalists working on biodiversity issues (environmental human rights defenders) are protected? What efforts has your Government made to create a safe and enabling environment for them to freely exercise their rights without fear?

- Mauritius is a democratic country where people have the right to express their opinions freely. Section 12 of the Constitution of Mauritius guarantees the freedom of expression of its citizens. Environmentalists and the population in general can freely raise their voice through the press, media and to authorities without any fear. For instance, citizens feeling deprived of their rights to enjoy public beaches have freely raised their voice to express their dissatisfaction. In fact there have been a few projects which could not go ahead due to public outcry on the environmental impacts of these projects and pressure from environmentalists.
- A special Tribunal has been set up, the Environment and Land Use Appeal Tribunal where any person aggrieved by a decision on EIA/PER (Preliminary Environment Report), by a local authority and other authorities may appeal against the decision at the Tribunal and obtain justice in case the person is able to show that the decision is likely to cause him undue prejudice.